

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08cv230**

FIRST UNION RAIL CORPORATION,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
SPRINGFIELD TERMINAL RAILWAY COMPANY; MAINE CENTRAL RAILROAD COMPANY; BOSTON AND MAINE CORPORATION; and PAN AM RAILWAYS, INC.,)	
)	
Defendants.)	
)	

THIS MATTER is before the court in accordance with 28, United States Code, Section 636(c), and upon the oral request of defendants' counsel to continue the May 27, 2009, hearing. On May 26, 2009, the court conducted a telephonic conference with all counsel of record, and it was determined that the Show Cause hearing should be continued inasmuch as defendants had made a substantial, but incomplete, attempt to resolve the underlying discovery dispute. The alleged contempt in failing to comply with this court's earlier Order remains, however, unresolved. Also discussed were the looming discovery and motions deadlines, which the court determined would be held in abeyance pending the hearing on June 19, 2009.

ORDER

IT IS, THEREFORE, ORDERED that the Show Cause hearing scheduled for May 27, 2009, at 12 noon in Asheville, North Carolina, is continued until June 19, 2009, at 12 noon in Courtroom #2 of the United States Courthouse Building in Asheville.

IT IS FURTHER ORDERED that the motions and discovery deadlines are **HELD IN ABEYANCE** and shall not run pending such hearing, at which time they will be addressed.

Signed: May 26, 2009

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

